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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,251	02/12/2004	Moriya Ochi	248210US2	4163
22850	7590	03/16/2005		EXAMINER
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			KAUFFMAN, BRIAN K	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/776,251	OCHI ET AL.	
	Examiner	Art Unit	
	Brian K Kauffman	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 December 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 and 7-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 13-33 is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) 7-12 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 February 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

The examiner acknowledges that claim 26 has been amended and has rescinded the related objection.

The examiner acknowledges that claim 6 has been cancelled.

Claim Objections

Claims 7-9 are objected to because of the following informalities: They are all dependent on claim 6 which has been cancelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida (5,333,560). Yoshida discloses an overlock sewing machine, comprising: a main body (1); a needle bar (4) mounted to reciprocate in an axial direction; plural needles (5) positioned at the needle bar; a main feeding mechanism (col. 3, lines 3-6) to control a cloth feeding amount of a main feed dog; a differential feeding mechanism (col. 3, lines 37-40) adjusted to control a cloth feeding amount of a differential feed dog; a memorizing device (24) configured to memorize at least two sewing patterns, the memorizing device being provided at the main body; a pattern selecting device (fig. 5) provided at the main body and configured to select the at least two sewing patterns

memorized in the memorizing device; and a control device provided at the main body, the control device being capable of changing the selected one of the at least two sewing patterns, while the selected one of the at least two sewing patterns is in use, to another of the at least two sewing patterns to be used (col. 3, lines 55-61).

Allowable Subject Matter

Claims 7-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13-33 are allowed.

The following is an examiner's statement of reasons for allowance: claim 7 specifically requires that the intermittent gathering pattern be performed by repeatedly changing the feeding amount of the differential feed dog relative to the feeding amount of the main feed dog based on an intended number of stitches. Claim 8 specifically requires that the finishing pattern be performed by substantially simultaneously minimizing feeding amounts of the main feed dog and the differential feed dog based on an intended number of stitches. Claims 9-12 specifically require that the pattern-selecting device include a first operating portion operated for initiating the intermittent gathering pattern, and a second operating portion operated for initiating the finishing pattern. Claims 13-23 specifically require that the at least one sewing pattern including an intermittent gathering pattern and a finishing pattern, the intermittent pattern being performed by repeatedly changing the feeding amount of the differential feed dog relative to the feeding amount of the main feed dog based on an interval of an intended

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number of stitches, and the finishing pattern being performed by substantially simultaneously minimizing feeding amounts of the main feed dog and the differential feed dog based on an intended number of stitches. Claims 24-25 specifically require transitioning to the second sewing pattern while the first sewing pattern is in use. Claims 26-33 specifically require that the selected at least one sewing pattern be changed to a second sewing pattern while the at least one sewing pattern is in use.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 12/22/04 have been fully considered but they are not persuasive.

In regard to claim 1, the applicant argues that Yoshida does not disclose a control device which his capable of switching between two selected patterns. The controller (23) in Yoshida's apparatus controls the liquid crystal display and the operation of a main motor to control the sewing operation of the lock stitch machine (col. 3, line 62-col. 4, line 5). The controller memorizes multiple patterns (fig. 5) and thus can switch between them.

In regard to claim 1, the applicant also argues Yoshida does not disclose that a sewing pattern can be switched from one sewing pattern to another pattern while the first sewing pattern is in use. This argument is moot since that is not what is claimed.

Claim 1 claims the control device is **capable** of changing the selected one of the at least two sewing patterns while the selected one of the at least two sewing patterns is in use, to another of the at least two sewing patterns to be used. There is nothing in Yoshida's disclosure that would indicate that while the machine is sewing one pattern, the user cannot scroll through the options on the liquid crystal display and choose a new pattern while the first pattern is being used, resulting in the controller adjusting the main motor which controls the sewing operation. Thus, Yoshida's apparatus is **capable** of changing the selected one of the at least two sewing patterns while the selected one of the at least two sewing patterns is in use, to another of the at least two sewing patterns to be used.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bergvall (4,422,394) discloses seam pattern selecting switches and a control system to produce the patterns. Reina et al. (6,467,418) discloses an overlock sewing machine. Takagi et al. (4,873,931) discloses an overlock sewing machine that switches patterns while one pattern is currently being sewn.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K Kauffman whose telephone number is (571)272-4988. The examiner can normally be reached on M-F every week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571)272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BKK
3/7/05


JOHN S. CALVERT
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